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American Insurance Company

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

BAXTER SENIOR LIVING, LLC,
an Alaska limited liability company,

Plaintiffs,

v.

ZURICH AMERICAN INSURANCE
COMPANY, an Illinois corporation,

Defendant.

Case No. 3:22-cv-00044-SLG

**DECLARATION OF
MICHAEL B. BAYLOUS**

I, Michael B. Baylous, declare as follows:

1. I am an attorney with Lane Powell LLC, counsel for Defendant Zurich American Insurance Company ("Zurich"). This declaration is in support of Zurich's Notice of Removal.
2. Attached as Exhibit A is a copy of Complaint filed and Summons issued in *Baxter Senior Living, LLC v. Zurich American Insurance Company*, Case No. 3AN-22-04417 CI, Superior Court for the State of Alaska at Anchorage (the "State Court Action").
3. Attached as Exhibit B is a copy of documents related to service of process on Zurich and the Alaska Division of Insurance.

4. Baxter Senior Living, LLC (“Baxter”) is an Alaska limited liability company. Zurich has conducted a good faith investigation to determine the identity and citizenship of the members of Baxter by searching public records. Attached as Exhibit C is a printout from the State of Alaska, Division of Corporations, Business and Processional Licensing website containing information about Baxter. Baxter’s members include Cook Inlet Tribal Council, Old Harbor Native Corporation, Lee Cory, Scott Bringmann, Walter Wilcox, Anchorage Equity Partners LLC, and DK Commercial, LLC.

5. Cook Inlet Tribal Council is an Alaska corporation with its principal place of business in Alaska. Attached as Exhibit D is a printout from the State of Alaska, Division of Corporations, Business and Processional Licensing website containing information about Cook Inlet Tribal Council.

6. Old Harbor Native Corporation is an Alaska corporation with its principal place of business in Alaska. Attached as Exhibit E is a printout from the State of Alaska, Division of Corporations, Business and Processional Licensing website containing information about Old Harbor Native Corporation.

7. On March 1, 2022, my office utilized LexisNexis Public Records database (“LexisNexis”) and the State of Alaska, Division of Elections voter information database (“Voter Database”) to investigate the domicile of individual members of Baxter and of individual members of Baxter’s limited liability company members.

8. Attached as Exhibit F is an excerpt from the LexisNexis search results indicating Lee E. Cory is domiciled in Oregon.

9. Attached as Exhibit G is a printout from the Voter Database and an excerpt from the LexisNexis search results indicating Scott Bringmann is domiciled in Alaska.

10. Attached as Exhibit H is a printout from the Voter Database and an excerpt from the LexisNexis search results indicating Walter Wilcox is domiciled in Alaska.

11. Anchorage Equity Partners LLC is an Alaska limited liability company. Attached as Exhibit I is a printout from the State of Alaska, Division of Corporations,

Business and Processional Licensing website containing information about Alaska Equity Partners LLC. Its members include Neil Gunn and Paul Wiltse.

12. Attached as Exhibit J is a printout from the Voter Database and an excerpt from the LexisNexis search results indicating Neil Gunn is domiciled in Alaska.

13. Attached as Exhibit K is an excerpt from the LexisNexis search results and a printout from Venture North Group indicating Paul Wiltse is domiciled in Alaska.

14. DK Commercial, LLC is an Alaska limited liability company. Attached as Exhibit L is a printout from the State of Alaska, Division of Corporations, Business and Processional Licensing website containing information about DK Commercial, LLC. Its members include David DeRoberts, Kyle Scalts, and Patrick Whalen.

15. Attached as Exhibit M is a printout from the Voter Database and an excerpt from the LexisNexis search results indicating David DeRoberts is domiciled in Alaska.

16. Attached as Exhibit N is a printout from the Voter Database and an excerpt from the LexisNexis search results indicating Kyle Scalts is domiciled in Alaska.

17. Attached as Exhibit O is a printout from the Voter Database and an excerpt from the LexisNexis search results indicating Patrick Whalen is domiciled in Alaska.

18. Zurich is a New York corporation with its principal place of business in Illinois.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

DATED: March 4, 2022

By s/Michael B. Baylous
Michael B. Baylous, ABA No. 0905022

I certify that on March 4, 2022, a copy of the foregoing was served via ECF/email on:

William Bankston and Suzanne Adler
wbankston@bgbalaska.com; sadler@bgbalaska.com

s/Michael B. Baylous

Declaration of Michael B. Baylous

Baxter Senior Living, LLC v. Zurich American Insurance Company (Case No.3:22-cv-00044-SLG)

Page 3 of 3